



# County Corner

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## Flathead County Justice Court



THE STAFF of the Flathead County Justice Court.

Located on the second floor of the Justice Center, the Justice Court is a very busy place handling in excess of 14,000 civil and criminal cases a year. As a court of limited jurisdiction, the court's jurisdiction is limited to certain types of cases. The jurisdiction of the court can be found in Section 3-10-301 through 3-1-304 of the Montana Code Annotated. The Montana Code can be found by visiting the State Law Library website at <http://courts.mt.gov/library>. In civil disputes the court hears cases in which the amount of damages does not exceed \$7,000.00. In the small claims division, the court hears cases which are factually simple and do not involve damages in excess of \$3,000.00. The court cannot decide any case that involves the title to real estate, or may result in a judgment against the State of Montana. Typical civil cases include those involving contracts, landlord-tenant disputes, collections, and orders of protection.

The Justice Court also has jurisdiction over misdemeanor criminal cases where no more than one year of jail can be imposed. These cases include traffic violations, Fish & Game violations, alcohol and drug offenses, as well as a host of general criminal offenses. The court also handles the initial appearance in most felony cases filed in the county. Trials in the Justice Court are most often

presided over by the justice of the peace sitting without a jury. However, any party to a case is entitled to have their case heard by a jury of six people.

Flathead County Justice Court is presided over by David M. Ortleby and Mark R. Sullivan. Justice Ortleby has been a judge since 2000, and Justice Sullivan began as the second full-time justice of the peace in January of 2007. Both judges are law school graduates and have broad legal training and experience gained through years in the private practice of law. The administrative staff is comprised of an office manager, five full-time clerks, and a half-time clerk. The clerks are responsible for the processing of the cases from the time they are filed until the case file is closed. On a daily basis the clerks process hundreds of documents and assist the public who appear at the window.

While the clerks are able to provide forms, and explain the procedural steps involved in a case, they cannot provide legal advice. For self-help legal information visit <http://montanalawhelp.org> or visit the Montana State Law Library website at <http://courts.mt.gov/library>. While less formal than proceedings in the District Court, the parties appearing in Justice Court are required to follow the Uniform Rules of Civil Procedure which can also be found at the State Law Library website.

You may, but are not required to, have an attorney to file or appear in a

case in Justice Court unless you are a corporation, partnership, or limited liability company. In criminal cases involving the possibility of incarceration upon a conviction, the justice of the peace is authorized to appoint a public defender to represent a person charged with a crime who is not financially able to hire their own attorney.

Beginning in January of 2007 the Justice Court became a court of record. As a court of record, the court electronically records important pre-trial proceedings and all trials. In the event of an appeal, the digital recordings are used by the District Court, which sits as an appeals court, to determine if any errors of law occurred in the Justice Court. This is important because there is only one trial unless the case is reversed on appeal.

The Justice Court is open from 8:00 a.m. until 5:00 p.m. Appearances on traffic tickets are held at 9:00 a.m. on Monday, Wednesday, and Friday mornings. It is important to arrive as early as possible to check in with the clerks so that your case will be heard with the others being heard that day. The court is planning on holding appearances one night a week beginning later this spring. Jury trials are scheduled every Tuesday. You may contact the court by calling 758-5643 to hear a recording of general information and options, or by calling the front desk at 758-5649.

*“The needs of the future take precedence over the demands of the present.”*

— County Commissioners: Dale Lauman, Gary Hall & Joe Brenneman



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